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Attorneys for Plaintiffs, MARCUS R. WHITTEN,
5 an individual, JILL COX, an individual, and
CASEY GIBSON, an individual, on their own behalf
6 and on behalf of all others similarly situated, and on
behalf of the general public
7

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF OHIO
10

11 MARCUS R. WHITTEN, an individual,
ELSIE PARKER, an individual, JILL COX,
12 an individual, CASEY GIBSON, an
individual, on their own behalf and on
13 behalf of all others similarly situated, and
on behalf of the general public,
14

15 Plaintiffs,

16 vs.

17 RIGHTTHING, LLC., a foreign
corporation, TERRY TERHARK, an
18 individual, AIRS HUMAN CAPITAL
SOLUTIONS, LLC, a foreign corporation,
19

20 Defendants.
21

CASE NO: 3:10-CV-01914-JZ

PLAINTIFFS' OBJECTION TO NOTICE OF
DEPOSITION OF PLAINTIFFS' EXPERT
HOSSEIN BORHANI, PHD

22 Plaintiffs hereby object to the Notice of Deposition of Plaintiffs' Expert, unilaterally
23 noticed by defendant for August 18, 2011. Plaintiffs' expert will not be produced for deposition on
24 that date, or on any date prior to the date on which the data subpoenaed from Schedule Source is
25 provided.

26 As defendant is well aware, defendant has withheld the data that plaintiffs' expert needs
27 to complete his expert analysis. Therefore, plaintiffs had to subpoena the information directly from
28

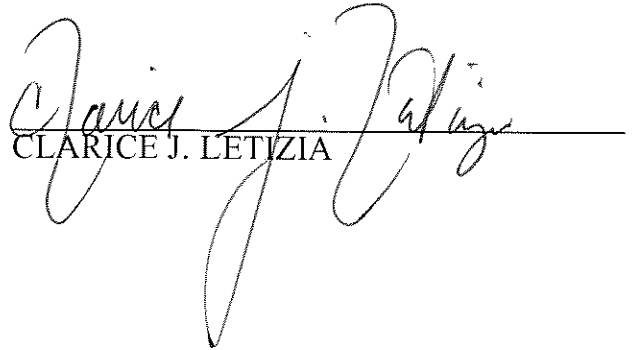
1 Schedule Source, and the data will not be provided by Schedule Source until after August 18 2011.
2 Therefore, plaintiffs' expert will not have completed his analysis on August 18, 2011, the noticed
3 date, and plaintiffs have sought direction from the magistrate on how to proceed.

4 DATE: August 11, 2011

Respectfully submitted,

WENTWORTH, PAOLI & PURDY, LLP

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8 BY:

CLARICE J. LETIZIA 

PROOF OF SERVICE

STATE OF CALIFORNIA

COUNTY OF ORANGE

I am employed in the County of Orange, State of California. I am over the age of 18 years and am not a party to the within action; my business address is 4631 Teller Avenue, Suite 100, Newport Beach, California, 92660.

On August 11, 2011, I served the foregoing document described as PLAINTIFFS' OBJECTION TO NOTICE OF DEPOSITION OF PLAINTIFFS' EXPERT HOSSEIN BORHANI, PHD on all parties in this action by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

SEE ATTACHED SERVICE LIST

☐ **BY MAIL:** I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. Postal Service on the same day with postage thereon fully prepaid at Newport Beach, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postage cancellation date or postage meter date is more than one day after the date of deposit for mailing in affidavit.

☐ **BY PERSONAL SERVICE:** I caused such envelope to be delivered by hand to the offices of the addressees.

☐ **BY OVERNIGHT COURIER** I caused the envelope, with delivery charges prepaid, to be sent by _____ as indicated on the attached Service List.

☐ **VIA FACSIMILE:** I forwarded a true and correct copy of the above-described documents to the parties named in the service list via the facsimile numbers listed herein.

☒ **VIA ELECTRONIC MAIL:** By causing the foregoing document to be served electronically by electronically mailing a true and correct copy through Wentworth, Paoli & Purdy's electronic mail system to the e-mail address(es), as stated in the attached service list, and the transmission was reported as complete and no error was reported.

Executed August 11, 2011, at Newport Beach, California.

☐ **(STATE)** I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

☒ **(FEDERAL)** I declare that I am employed in the office of member of the bar of this court at whose direction the service was made.



SERVICE LIST

WHITTEN, et al. v. RIGHTTHING, et al.
U.S.D.C. Case No.: 3:10-CV-01914-JZ

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and TERRY TERHARK

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